

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10260-WGY

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SORRELL HOMES, INC.,  
Plaintiffs

v.

DOUGLASS R. STILES CO., LLC  
AND DOUGLASS R. STILES,  
Defendants

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AFFIDAVIT OF DOUGLASS R. STILES

Douglass R. Stiles, under oath, deposes and says:

1. I am one of the defendants in the above matter and I am making this affidavit as to facts of my own personal knowledge.

2. The house known as and numbered 4 Ridgeway Road, Wellesley, Massachusetts (the "House") is not currently occupied.

3. The House was occupied pursuant to a lease dated October 27, 2004, as amended, between Douglass R. Stiles Co, LLC as Landlord and Dierdre and Jon Smirl as Tenant (the "Lease"). Under the terms of the Lease, the Lease Term ended on January 15, 2007. A true and accurate copy of the Lease is attached hereto as Exhibit A.

4. The Lease predates the Order of this Court entered March 7, 2005 and the Order of this Court dated January 16, 2007, which enjoined the defendants above from use of the House. The Tenant, pursuant to its rights under the Lease, extended the Lease Term until January 15, 2007.

5. After the expiration of the Lease Term, the Tenant held over and continued its occupation of the House. Simultaneously, negotiations continued with the Tenant under the lease to reach an agreement pursuant to which the House could be sold to the Tenant for \$1,950,000.00 after authorization of this Court and an agreement to proceed in a so-called short sale by Washington Mutual the holder of a first mortgage on the House. Such a sale of the House would have allowed the Defendants to pay the sum to the plaintiff as ordered by this Court.

6. After negotiations broke down, on or about March 30, 2007, the Defendant delivered a Notice to Quit the House upon the Tenant and to Tenant's counsel. A copy of this Notice has been attached hereto as Exhibit B.

7. The Tenant vacated the House on or before April 30, 2007 and the House is currently unoccupied.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746 THAT THE FOREGOING IS TRUE AND CORRECT. SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 5<sup>th</sup> DAY OF JUNE, 2007.

  
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Douglass R. Stiles